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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,144	06/15/2001	Leroy A. Kuta	56731USA9A (M120.137.101)	8293
32692	7590	04/13/2004	EXAMINER	
OSELE, MARK A				
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			ART UNIT	PAPER NUMBER

1734

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/883,144

Applicant(s)

KUTA ET AL.

Examiner

Mark A Osele

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-16,18-20,22-39 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 3-4, 17, 21, 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-8, 10-12, 14-15, 18-20, 22-24, 27-28, 33-37, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. (5,322,230) in view of Dylla (5,330,125) and Weinberg et al. (5,916,651). Dylla et al. shows a method and apparatus for applying a splicing tape by lifting a portion of the outer-most layer of the roll with suction (Dylla '125, column 2, line 68 to column 3, line 5), applying tension to the layer (Dylla et al. column 3, lines 41-43), cutting the lifted portion at a known location downstream of the lifting mechanism (column 3, lines 58-63) to coincide with a tape application line, applying a temporary holding tape to the wound portion of the roll at the application line (See Fig. 9, column 4, lines 5-11; column 6, lines 54-59), and adhering the leading edge of the cut outer-most layer to the holding tape (column 6, lines 57-58). Dylla et al. and Dylla fail to show the outer-most layer to cover only a portion of the tape while leaving a portion of the tape exposed.

Weinberg et al. teaches that an adhesive tape with a split cover liner should extend approximately one quarter to one third of the way underneath the outer-most layer of the roll, leaving the remainder exposed for splicing to the new web (column 2,

lines 4-9, 51-60, column 3, lines 40-45, 61-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tape of Weinberg et al. in the method and apparatus of the references as combined above because Weinberg et al. shows this to be an effective single tape for both adhering the outermost layer and accomplishing the splicing to a new roll.

Regarding claim 8, Weinberg et al. teaches the tape to be applied at an angle to the machine direction.

Regarding claims 14-15 and 33-37, cutters and sensors are conventional in tape applying devices to ensure that the tape is appropriately placed on the substrate.

3. Claims 9, 13, 16, 29-32 and 38-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. in view of Dylla, and Weinberg et al. as applied to claims 1 and 18 above, and further in view of Koza et al. (5,431,767). Koza et al. teaches that pressure rollers are conventional for applying a strip of adhesive tape and take up liner removers are also known in the art to limit operator effort when applying double sided adhesive tapes to a surface (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the pressing roller and take up reel of Koza into the invention of the references as combined because they are shown to be an effective automation system.

Koza et al. further teaches the use of a perforation line along the length of the tape to aid in a controlled tape separation for the flying splice connection (column 5, lines 53-64). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to add the perforation line of Koza et al. into the invention of the references as combined to allow fast and accurate separation of the outer-most layer from the remainder of the roll to begin the splice.

4. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. in view of Dylla and Weinberg et al. as applied to claims 1 and 18 above, and further in view of McCormick et al. McCormick et al. shows the use of a spring loaded roller, 84, spaced from the lifting mechanism to press upon the roll and apply tension to the web (column 7, lines 18-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the roller of McCormick et al. in the invention of the references as combined to aid in applying tension to the lifted segment of the web.

Regarding claim 26, although McCormick et al. shows a single spring loaded roller, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of rollers because a plurality of short rollers have less tendency to warp and bend than a single long roller.

***Allowable Subject Matter***

5. Claims 3-4, 17, 21, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The invention of the references as combined would not suggest the use of sensors for determining the leading edge of the web on the roll. Although references teach sensors for determining the leading edge of the web on a roll, there would be no reason to combine them with the references as combined because the outermost layer of web on the roll is severed regardless of the proximity to the leading edge.

### ***Response to Arguments***

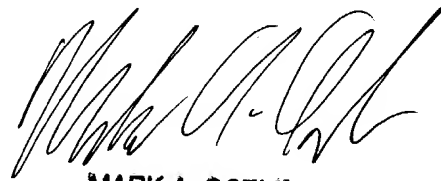
7. Applicant's arguments with respect to claims 1-2, 5-16, 18-20, 22-39, 41-43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Osele whose telephone number is 571-272-1235. The examiner can normally be reached on Mon-Fri 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark A. Osele', is positioned above the printed name and title.

**MARK A. OSELE**  
**PRIMARY EXAMINER**

April 8, 2004